

Nanticoe Read.

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THE
R I G H T S
OF THE
S A I L O R S
V I N D I C A T E D.

517. C. 8.
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In Answer to a

LETTER of JUNIUS

On the 5th of October, wherein he asserts

The Necessity and Legality of pressing Men into
the Service of the Navy.

No Freeman shall be taken, or imprisoned, or disfrised of his
Freehold or Liberties, or Free Customs; or out-lawed or ba-
nnished, or *any way* destroyed, nor will we pass upon him
or *commit* him to Prison, unless by the legal Judgment of
his Peers, or by the Law of the Land.

MAG. CHAR.

— *Vir bonus, est Quis?*
Qui consulta Patrum; qui leges, juraque, servat.

L O N D O N:

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M.DCC.LXXII.

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DEDICATION.*

MY LORD,

I Am diverted from a former intention of addressing the following pages to the King, by an opinion, universally entertained among the public, that he still continues intirely under the guidance and influence of your counsels, with respect to his political conduct.

The grievance here presented to your observation, is not suggested by the factious voice of a disappointed, selfish, clamorous set of men, whose pretensions to patriotism generally bear date from the time of their dismission from office, but is a reasonable and calm remonstrance in behalf of a brave and valuable, but oppressed class of people, whose poverty and helpless situation, sufficiently exclude them from the notice or regard, of the mere place-hunting opposers of a ministry.

* The above is a copy of an intended dedication to a pamphlet in the reign of George II. addressed to his favourite, and was written in the year 1742-3.

I think

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I think it not altogether improper, to premise some apology for the freedom of style you will meet with, in my representations on this subject, which, however, has not been assumed with a view of giving offence, *but* from a necessity, arising from the unfeeling arrogance, with which his Majesty's ministers persist in refusing to pay the smallest attention, to redress this evil, after so many complaints.

If there had not been instances of it in former periods, one should be apt to impute it to that *lordly* maxim, that prevails among the nobles of your country, of considering the *lower orders* of the people as their vassals, which is a notion that hath been adopted and gained ground very fast among the great men in England, within these *last ten* years. However, to the glory of our ancestors memory, there do still subsist in this nation, certain land-marks, for bounding even the prerogative of royalty, which are too visible to be mistaken, although so often injured and defaced.

Before we proceed further on this subject, I must take leave to *introduce* to your lordship's notice, a quotation from the famous declaration in *Magna Charta*, viz. "No free-

" man

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“ man shall be taken or imprisoned, or dis-
“ seised of his freehold or free customs, or
“ outlawed or banished, or any way destroyed,
“ nor will we pass upon him, or commit him
“ to prison, unless by the legal judgment of
“ his peers, or by the law of the land.”

Fortunately for this country, it is equally impossible for the most *leaden* capacity to *misapprehend*, or for the most *artful* *sophist* to *violate* the force of this declaration, neither can it be *invalidated* by any act, even of the *supreme* power of the state. The King has been taught (with great propriety) by you, in his speeches to his people, to address himself to them, as their political father, and to declare to them, that he will shew as much tenderness to *their* rights, as to his own.

Give me leave to mention some transactions, *under your influence*, that have a strong reference to these declarations.

A periodical paper is published, wherein the author reproaches the minister, with putting a falsehood into the mouth of his prince, which reproach was universally believed to be just.

Has not your royal pupil, at *your* instigation, persevered in the most unrelenting persecution of that author, although the rights

of

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of the subject were *violated* in the grossest manner, to ascertain the identity of his person? Was not the man who had been guilty of this violation, countenanced by the King while he was *known* to be practising every mean chicane that could be suggested, to evade a fair trial? and was not *that evasion* made use of, to gratify your *joint* revenge by another notorious act of injustice?

Did not the king *shortly* after, by *your* influence *replace* this violator of the constitution in one of the *first* departments of administration? Could the thirst of revenge so blind your understanding, as not to suffer you to discern the *illegality* of the steps that were taken in pursuit of it? or was it possible you should be either *regardless*, or *not aware*, to what an *unseemly* situation you reduced your Sovereign, by pushing him on to the *indecorum* of shewing his *particular* favour and confidence to a man, who had been so *recently* and signally *stigmatized* for a *breach* of the laws, while a *pensioned* majority of the *late* house of commons, were so *infamously* *servile*, as to become the *tools* of *your* spleen by expelling the *object* of it from their prostitute society? Do you imagine the people have so very mean an opinion of *your* abilities,

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abilities, as to suppose it *possible*, that either of you were *inconscious*, that in these proceedings, there was *not* the *least* degree of tenderness for the *people's* rights, mingled with the *measureless* resentment you indulged ?

Are we to conclude, that his Majesty feels *less* reluctance in *practising* a falsehood, than in *suffering* his *favourite* to be *reproached* for it ?

Was the odium of these acts *disguised* or *lessened* by your *attempts* to *retaliate* his crime, (a libel) in employing *bireling pens* to blacken his *private* character, which (though *utterly indefensible*) did *in no wise* interfere with the merits of his cause ? Besides you could surely set up for a Censor of other people's vices with a very ill grace, while that *diabolical one* of revenge was rankling in your own breast.

Can you impose *so far* on your royal disciple, as to make him believe, his people impute all this to his *pure* hatred to vice and *immorality*, while they behold that *perfidious* and abandoned wretch L. S. so *singularly* distinguished by his *favour* ? Must they not

let need *view* b *rather*
be *up*

DEDICATION.

rather wonder that he should escape this *virtuous rage* of their pious Sovereign?

Has he from you imbibed the shameful maxim, that a prince may dispense with a regard to truth, provided he inforces the motto *Nemo me impune objurgat*?

Ought this indirect and constructive affront to one man to be deemed of equal consequence with the *known cruelty* that is exercised, in the execution of press-warrants, whereby the king, contrary to the letter and spirit of the law, and to his own declarations, *wittingly and willingly* permits his prerogative to be extended to the seizure of his *innocent subjects*, in the *lawful* resistance of which oppression, they are frequently *wounded*, and obliged to undergo the most barbarous treatment?

Have the common Sailors *forfeited* their *political relation* to their Sovereign, or has he *been told*, that their poverty and helpless state *exclude* them from a *right* to his protection? He has *not renounced* them so far as to *absolve* them from their *allegiance*; does he think that oppression is a *decent* return from a British king to his *best subjects*, for the *most important services*? Have his family been requited

quited in this *ungenerous* and *unhandsome* manner, for the benefits *conferred* on us by their *condescending* to accept the crown of these realms?

Has he been taught that *detestable* tenet, that there is *no obligation* from a prince to his people, *below a certain level*, and that *poverty* and *criminality* may be regarded, among *great men*, as *convertible terms*?

By what *logical* deductions will you undertake to prove, that this *violent strain* of the *prerogative*, is *reconcileable* either to his *declarations* from the *throne*, or to his *coronation oath*? or how will you be able to convince any man, of *tolerable* understanding, and an *ingenuous* disposition, that it is not a high violation of both? Will you pretend to affirm, that if a king of this country was to *add* to the *illegality* of this measure, the *imprudence* of putting himself at the head of a *press-gang*, and was to *lose his life* by the hands of an *innocent* subject, whose person he was attempting to seize, by virtue of this *assumed* *prerogative*? Will you affirm (I say) that by the *laws* of the *land*, that *person* would be deemed *guilty* of *treason* or *murder*? Or must you not acknowledge, that an *honest* *juryman* would be under the *necessity* of

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acquitting him, as having done it in the law-
ful defence of his person and liberty? not at all

If you were to attempt to reply to the remonstrances on this head, you must be forced to recur to that stale, hackneyed plea of necessity, which supercedes all laws; and, whenever *such* a necessity *really* exists, I will not dispute the *validity* of the plea. not at all

But will any man of common knowledge pretend to assert, that *such* a necessity has ever existed within *his* memory? or so much

The necessities that have *hitherto* been made the plea for this measure, have arisen *solely* from the *arrogance* and *supine inattention* of the supreme power, in *disdaining* to give themselves the smallest concern, to make any *provision* against this *abominable* expedient, which can never be justified (at least in a land of freedom) *but* in cases of the *last extremity*; whereas, this is done *when* there reigns a *universal* scene of mirth, luxury, and dissipation among *the rest* of the nation. Is it *possible* his Majesty can be so *ignorant* of common distinctions, as *not to discern* what a *disgraceful* dilemma he suffers himself to be reduced to, when in order to *palliate* this measure, he is driven to take up this plea of a necessity, *which* (he must be *conscious*)

could

could never exist, but by *his sufferance*? Does not this plea, instead of extenuating, enhance the reproach? Is it not *substituting* an *indirect* falsehood to defend a *breach* of faith?

Permit me to ask, whether any friend of your lordship or the King, would not have thought the epithet of *perjured villain*, *justly* bestowed on the author of the *South Briton*, if he had been guilty of any action, as *contrary* to his oath, *as these* press-warrants are to *Magna Charta*?

Is it not the most shameless *indecency* in the advocates of the crown, to defend their royal master, upon the other plea of custom, as if *his ideas* of honour were *upon a level* with *those* of the servants of a certain company, or of a *petty trader* at the custom-house, to whom *habit* has rendered *perjury* as *familiar* as any ordinary occurrence in the course of their business?

His majesty *cannot* plead *ignorance* in this point, *unless* he will renounce all pretension to understand *plain English* when he reads it.

Can it then be matter either of *wonder* or *complaint*, that people *lose* their *reverence* for crowned heads, when they see with what *facility* and *indifference* they *violate* the most *sacred obligations*?

But

But if we are *never* to behold our monarch out of *leading strings*; if he cannot stir one step in the *clearest cases* without a *flapper** at his elbow; if his genius will not permit him to *soar* to a *positive* good, let him at least practise a *negative* one, which indeed is *all* that is requisite on *his part*, to redress this *enormous* evil: I will be bold to say, that the people who suffer under it are of *infinitely more importance* both to *himself* and the state, than *any* circumstance that can be apprehended from the *absurd* conduct of his relations.

The remedy is plain, easy and *infallible*; it becomes you, who are his Monitor and Governor, to *shew* him the *rectitude* and *propriety* of adopting it.

Nothing more is necessary, than a short message to the House of Commons (*as they call themselves*) signifying that neither his *honour* or his *conscience* will permit him to give *his sanction* to *press-warrants*, *because* he finds them to be *absolutly incompatible* with and *contradictory* to the *solemn oath* he has taken, *not to violate* his subjects rights, with a recommendation to them at the same

* Gulliver.

time,

time, to provide a *proper* expedient against any *future* emergency.

There cannot be the smallest doubt of the conformity of that *obsequious* assembly to *any* requisition of the crown, when the minister is so well furnished with arguments to convince them of the *necessity* of their compliance.

When you have effected this, your lordship will have *more* than *counterbalanced* all the *mischief* you have occasioned to *this* kingdom, even though the *suggestions* of your *enemies* were *well* grounded; which I owe you the *justice* to acknowledge, is (in my own *private* opinion *at present*) very far from being the case.

But if after all, the King should *inflexibly* resolve not to grant any redress to his subjects in this particular case; they will have just occasion to conclude, that he is wholly governed by some person, who has no regard either to his honour or reputation.
I am, with all due respect,

Your Lordship's

Humble Servant.

N A U T I C U S.

DE D I C A T I O N

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To the P U B L I C.

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or yldmells mewyado last to ymmonc

As the revival of this subject, at a time

when peace seems to be established, may appear rather unseasonable, the author thinks it bigly proper to remark, in order to obviate this objection, that it is in times of tranquillity, that government have most leisure and opportunity for discovering and reforming abuses; and in this particular case, if the consideration thereof were to be postponed, until there was a sudden occasion for manning a fleet, it might be much more reasonably objected, that an attempt to redress this grievance at such a period, might be attended with singular hazard to the state, from the instant necessity for the service of the complainants.

Boylor sub lls dliw yrs 1

25th of March 1793

John Smith

SUGITUAN

THE

RIGHTS
OF THE
SAILED
VINDICATED.

THE generality of mankind are apt to pay so much compliment to an author of established reputation, as not to be very minute in scanning the validity of his general assertions; but surely it is ungrateful, as well as a most insolent, return for this confidence, when a writer presumes so much on his literary consequence, as to attempt, by his mere *ipse dixit*, to impose the most absurd doctrines on the understanding of the public.

B

Without

Without being fully persuaded, that you are under this predicament, I should not have ventured to contest the opinion of so popular a writer; but it is possible, that the goodness of a cause may more than balance the difference of abilities; and in the present case, it requires no extraordinary talents to expose the fallacy of those arbitrary maxims you have laid down, in a letter of the 5th of October; wherein, after some affected strains of candour and patriotism, you peremptorily decide, that the custom of pressing men into the service of the navy, is not only a *necessary* but a *legal* measure.

In which points I shall take leave to dissent from you, so far as to assert, that *no* case hath occurred, in our memory, where the *nature* of the necessity was such, as could *justify* so oppressive a proceeding; nor is your mere affirmation of sufficient authority to satisfy

satisfy us, that an act which is a manifest violation of the great Charter of liberty, ought to be deemed legal: a position, that may prove as difficult, perhaps, for you to explain, as for your readers to comprehend.

You tell us, that "When Lord Camden supposes a necessity (which the King is to judge of) and founded upon that necessity, attributes to the crown a legal power (not given by the act itself) to suspend the operation of an act of the legislature,—I listen with diffidence and respect, but without the smallest degree of conviction or assent". May we ask, how you reconcile this negation of Lord Camden's doctrine, with the positive affirmation you pronounce in a case *precisely* similar? The Charter of liberty is, at least, as sacred as any act of the Legislature; the King is judge of the necessity, and in the circumstance of pressing men, does *something*

more than barely *suspend* the operation of an act of parliament; yet you profess to have no doubt of the *strict right* of his proceeding in *this* case.

As the body of people, who suffer under this intolerable hardship, are of much more importance to the state, than any individual whatever, and even than any other body of men (unless perhaps we except the tillers of land) it is much to be lamented, that the redress of *their* grievances unfortunately gives our *leading* patriots no chance of *ministerial* elevation; for, if it had, these candidates for preferment might have chosen a thesis to declaim upon, which would probably have been much more grateful to the public, than their *endless* harangues in defence of a grant, which *prescription* ought not to render less odious now, than *at the time* it was made; and by the resumption whereof, the noble complainant would

not have been so much injured in fortune, as not to be able to have maintained the most *worthless* animal in his train in a state of luxury, compared with that of a common sailor.

Possibly then too, the flowry Junius, who, during the vacation season, is content to amuse himself by publishing the effusions of his spleen and fancy, as the air round B — happens to affect him, might not have thought it beneath his genius, to have favoured us with a *precise definition* of that *Necessity* which can justify so *violent a strain* of the constitution, and have shewn from what principles of natural and politic law his conclusion was deduced; because hitherto, *this term* has been applied in so *general* and *vague* a manner, that those who are obliged to appeal to it, seem to be utterly confused in their ideas of the sense in which it ought to be interpreted; indeed

from

from the easy negligence wherewith this article is treated, one would conclude it to have been only an accidental topic, and that this part of the letter was filled up by a *feminine* hand; at least one may presume, the good *doctor* was not present at the *family rehearsal*, * since he would hardly have omitted so fair an opportunity of *clubbing* a quotation from his ingenious friend *Burlamaqui*.

If the "strict right of pressing" cannot be controverted, the public may reasonably expect, that the advocates for that doctrine should point out the *legal* distinction, in our constitution, that *restrains* the minister from *extending* the royal prerogative to the seizure of his subjects property, as well as their *persons*, in these conjunctures of state necessity, since they are *equally*

* A learned family society of writers, supposed assistants to Junius; for whose interest and reputation Mr. B——'s seems to be uncommonly solicitous.

comprehended in the great Charter.* Money is one of the sinews of war, and as necessary as men; now supposing a profligate ministry, by every species of corruption and mismanagement, to have *beggared* their royal master, to have *exhausted* the public treasure, and, among *other* omissions of their duty, to have suffered the navy to run into a *total* decay; moreover, ^{that} under this shameful predicament, and in the interval of a *long* prorogation of parliament, they should think proper (for a pretence to raise money) to alarm the nation with the apprehension of a *sudden* rupture with some foreign power; in such a conjuncture, which is not *impossible* to arise in future times, (and which is somewhat similar to what happened in the reign of Charles I. and II. +) What

measures

* See the title page.

+ We have seen an instance resembling this of a more modern date, where an unpopular ministry, af-

measures are to be taken ? Here is a case where the want of men and of money is equally urgent ; the king, who is Judge of the necessity, may reasonably alledge, that the privilege of impressing men, without the means of paying them, or of putting his navy in a serviceable condition, is *vain and ineffectual* ; and yet, one may form a tolerable guess, what sort of entertainment the king's servants would meet with, both in print and parliament, who in this state of Necessity should dare to violate the *sacred property* of Mr. —————, in his *well-earned* mansion at ————— ;

ter making a great parade about a war, but conscious that their political consequence must determine with the peace, advised their master to conclude a dishonourable treaty, after raising considerable supplies from his subjects ; wherein they exactly copied the shameless behaviour of the king and ministry, in Charles the Second's time, who with the ideas of a knot of infamous sharers, after they had got the people to advance their money, produced the peace they had concluded, and laughed at the parliament for their silly credulity, in being thus taken in.

the

the injured spirit of Junius would hardly be appeased by any thing less than the minister's head and another revolution, although Jonathan's were still left open for his redrefs.

There are some cases, where plain reading and understanding put people of common discernment on a level with the most refined genius, and therefore when men of superior abilities attempt to maintain doctrines that are diametrically opposite to common sense and reason, I listen, *not* (in the canting phrase of Junius) "with diffidence and respect," but with a mixture of indignation and *contempt*; nor is it possible to help being shocked on such occasions, at these *humiliating* instances of depravity and perverseness in the *human* species.

If a sailor should unfortunately lose his life in *defence* of his liberty, against a *press-*

gang, or under the *same* circumstances, should happen to kill *one* of *them*, would our *arbitrary* Chief Justice, in his charge to a jury, *dare* to pronounce the *legality** of the killing in the *former* case? or to declare the *illegality* of the *self-defence* a *sufficient cause* for their finding it *murder* in the *latter*? Even Junius himself, in his verdict on either of the cases, must renounce his opinion so far as it regards the *legality* of the question.

You go on to alledge the *antiquity* of the practice as a *confirmation* of your doctrine, whereby the very circumstance, that *aggravates* the evil, is made an argument to preclude the redress of it; that a *prescriptive* right has, indeed, been established in certain cases of *private* property, is un-

* Whether, and *how far*, his ignorance and acting under the king's express commission, ought to operate as motives for *pardon*ing him *after* condemnation, is intirely *another* question.

deniable,

deniable, but it can never *supercede* the common, natural rights of an innocent subject; besides which, it is held for a rule in *common law*, that *no length of possession*, taken by *violence*, can give a right,

It must be acknowledged indeed, but to the great *scandal* and *reproach* of the rest of the community, that, notwithstanding the “numberless opportunities that have “presented themselves, highly favourable “to public liberty, no successful attempt “has been made for the relief of the “subject in this article.” Such *humane* casuists might, with equal *charity*, argue, that a poor wretch, who had been long suffering under a cruel disorder, *ought* to be turned out of an hospital as *incurable*, because the physicians and surgeons, who attended there, had *never given themselves the trouble* to consider the *nature* of his

case, or to prescribe any medicine for his relief.

If you really wished or expected, that the doctrine you have advanced should be accepted in a serious light, it would not have been much amiss to have given yourself the trouble of acquiring some *tolerable* information on the subject: you might then have discovered, in tracing back "this immemorial usage," that in the ancient warrants, the phrase of *impressing* men and of *prest* men was *synonymous* to the modern term of *inlisting*, which was formerly done by giving them *prest* money upon their *inlisting*, to *retain* them afterwards to the service, and thereby to render them liable to *punishment*, in case of *desertion*; which seems to have been very common among the sea-faring men in those times. This term was originally borrowed from the *imprest office*, from whence the money for that service was issued, and

and it is evidently owing to a long ~~abuse~~ of these warrants, that the idea of ~~complaint~~ has been annexed to it.

When we consider on whom the execution of these warrants devolved, together with the *obscurity*, *poverty* and *ignorance* of the aggrieved parties, it is not much to be *wondered* at, either that force should gradually grow into practice on these occasions, or that the violence should go *unredressed*, especially as these poor wretches are so *suddenly* cut off from all communication with their friends (if they happen to have any) by being put into a miserable dungeon, or immediately hurried on board the fleet.

Neither is it at all strange that this oppression should be *countenanced* by the *rest* of the community, since by winking at an evil, from which themselves were exempt, they

they consulted the *shortest, easiest and cheapest* course of providing for the security of their own persons and property.

How vain and unsequential must your *superficial* declaration appear to those who have consulted the learned author of the commentaries on this subject ! That writer, notwithstanding his ample qualification, both in point of knowledge and abilities, to discuss so important a question, has delivered his sentiments with much *reserve* and *diffidence* ; and although he *intimates* an opinion, that some of the statutes seem to *imply* such a power in the crown, he *cautiously declines* pronouncing a *decisive* judgement on so *tender* a point ; the solution of which, it seems, was reserved for the sagacity of a Junius, who has luckily hit upon it, without the aid of a single argument.

The able writer abovementioned, in quoting the act of Richard II. which is in *French*, seems to ground his opinion on the interpretation of the word *arrester* in the preamble, which signifies to *bire* as well as to *arrest*; the matter of doubt therefore is, whether the *former* interpretation is not more consonant to the custom of giving *prest* money to those who listed or engaged, in order to retain them in the service; and I will venture to appeal to so respectable an authority, whether an *implication* ought not to be allowed in favour of the subject, when there is any *ambiguity* in the terms or expressions of an act of parliament. To satisfy the reader that I do not misrepresent what he has said, I will here transcribe the learned Justice's own words on this subject, *viz.*

“ The

" The power of impressing men * for
 " the sea service by the king's commission,
 " has been a matter of some dispute, and
 " submitted to with great reluctance, though
 " it hath very clearly and learnedly been
 " shewn by Sir M. Foster, that the practice
 " of impressing, and granting power to the
 " admiralty for that purpose, is of very
 " ancient date, and hath been uniformly
 " continued by a regular series of prece-
 " dents, to the present time; whence he
 " concludes it to be part of the common law."

Now I beg leave to ask whether Mr. Justice Blackstone himself is of opinion, that it is part of the common law, and if he is, *why* he chose *not* to deliver that opinion? I appeal likewise to that gentleman, whether a series of precedents (of vio-

* The Justice in quoting Sir M. Foster's opinion, hath changed the word mariners into the *general expression* men, I suppose by *mistake*.

*lation of the constitution) which he allows to have always been a matter of dispute, and as uniformly resisted as exerted, are of sufficient weight and authority to be deemed part of the common law; if they are, then Master Bracton (whom this gentleman frequently quotes) is quite mistaken in asserting, that no length of possession taken by violence can give a right, which surely ought to be at least as valid with regard to liberty as to property. The learned Justice goes on thus: "The difficulty arises from hence, that no statute has expressly declared this power to be in the crown, though many of them very strongly imply it. The statute 2 Richard II. chap. iv. speaks of mariners being *arrested**, and retained for the king's service, as of a thing well known and practised without dispute, and*

* If it had coincided with the commentator's politics he would have taken care to remark, that the French word which is here translated *arrested*, signifies likewise *hired*, which interpretation agrees rather better with the custom of giving *prest* money to retain them.

“ provides a remedy against their running
“ away. By a statute of Philip and Mary,
“ if any Waterman who uses the river
“ Thames, shall hide himself during the
“ execution of pressing for the king's ser-
“ vice, he is liable to heavy penalties. By
“ another of Queen Elizabeth, no fisher-
“ man shall be taken by the queen's com-
“ mission to serve as a mariner, but the
“ commission shall be first brought to two
“ Justices of the peace inhabiting near the
“ sea coast where the mariners are to be
“ taken, to the intent that the Justices may
“ choose and return such a number of able
“ bodied Men as in the commission are
“ contained, to serve her Majesty. And by
“ statutes of William III. Anne, and
“ George II. especial protections are allowed
“ to seamen in particular circumstances, to
“ prevent them from being impressed: all
“ which do most evidently imply a power
“ of impressing to reside somewhere; and if
“ any

" any where, it must, from the spirit of our
 " constitution, as well as from the frequent
 " mention of the king's commission, reside
 " in the crown *alone.*"

Upon which quotation, I must take the liberty of making some Remarks : and first, that in the time of Queen Elizabeth, the imminent threats of invasion from so great a naval power as the king of Spain was master of at that period, together with the *many other* difficulties and dangers she and the commonwealth had to encounter with, might well justify some extraordinary measures, of which *many* precedents might be produced in her reign, that would not be endured, now.

2dly, That the frequent mention of the king's commission is no proof of the power being in the crown *alone*, because all the executive commissions founded on the *joint*

authority of the three estates (king, lords and commons) run in the king's name.

3dly, As this learned author allows, that no statute *expressly declares* this power to be in the crown ; I appeal to him, (upon his re-consideration of this point) whether *such a* power in the crown is not clearly negatived by Magna Charta ?

4thly, Whether the king, lords and commons, as stewards of the peoples rights, can repeal that article of Magna Charta, which recognizes the personal liberty of the subject ?

5thly, Whether it is consistent with the spirit of the constitution, to admit of any implication that is *directly contrary* to the *express* letter of the law ?

6thly, Who are to be the expositors in these cases, and where is the confusion to end,

end, if the *plainest* literal expressions may be explained diametrically *contradictory* to their *tenor* ?

This learned author quotes a position of Bracton, that *Rex debet esse sub lege, quia lex facit regem, & nihil enim aliud potest rex, nisi id solum, quod de jure potest.* *

The same writer, Vol. I. Book 1. Chap. i. speaking with reference to any strong suspicions the crown may have reason to entertain of the subject, secretly plotting against the state, and then putting the question, whether the strict laws of personal liberty may in such case be dispensed with, says, “ And yet sometimes, when the state is in *real* danger, even this may be a necessary measure; but the happiness of *our* constitution is, that it is *not* left to the *executive* power to *determine*,

* The king ought to be *subject* to the law, because it is law that *makes* a king; and the king can do nothing, but what the law *permits* him to do.

when

when the danger is so great as to *justify* this expedient."

Now I appeal again (with great submission) to this gentleman, why the personal liberty of a subject, *whom* the chief magistrate has *good* grounds to suspect of *treasonable* designs, ought to be *more* sacred than that of one of the most valuable members of the commonwealth, who is perfectly innocent and *unsuspected*? and with *what notions* of justice and equity, *he* can reconcile the treatment of an *innocent* subject with a brutality, that is not suffered towards the *greatest* criminal; *and this too*, to engage him to perform the most important service to his very oppressors.

Does this learned Justice and his Reverend brethren *serve the state* upon such *self-denying* principles; or do these *equivocal* insinuations correspond with the character of

an impartial judge, or an *ingenuous* and *candid* commentator on the laws ?

Moreover, as liberty is the most sacred right of the people, I appeal to the same author, whether it is not a downright absurdity, that the crown should have any prerogative to *controul* it, beyond what is derived from the *express* letter of the law ; *nor*, indeed, *can a law* (under our constitution) *have any validity*, which is *utterly inconsistent* with the *liberty* of the subject ; a proof of which may be drawn from the *present* times, in the instance of general warrants, which have been so lately exploded by the united voice of the community, by virtue whereof, an *act* of parliament passed in the reign of Charles II. *empowering* the *exchequer*, to grant *general warrants*, is absolutely deemed *null and void*, although it yet remains *unrepealed*.

It is well known that the Star-chamber and high commission courts had the sanction of

of an act of parliament ; but the preamble to the act, for abolishing one of those courts, recites the laws in favour of liberty as arguments for the repeal of the statute by which they had been established, thereby clearly implying that it was null and void *a priori*, as being wholly irreconcileable to the great character of our freedom.

Whoever therefore undertakes to maintain the legality of using force in impressing men, must not only produce some statute which expressly vests the king with such a prerogative, but must likewise prove, that the representatives of a free people have a right to sacrifice those *unalienable** rights and privi-

leges

* Junius, in his letter addressed to the supporters of the bill of rights, asserts, that (in this country) even the supreme, or whole legislative power, *viz.* king, lords, and commons, cannot disfranchise the subjects of their birth-rights, although it may be forfeited, or the exercise of it suspended in particular cases, and very justly remarks the dangerous tendency of confounding the term *supreme* with that of an *arbitrary* power.

Yet

leges of their constituents, the *maintainance* whereof was the *original* and chief object of their own institution.

Yet this writer, in asserting the *strict* right of pressing, acknowledges a *perpetual* right in the crown *alone* to suspend the birth-right of the whole body of common sailors, who, without even the pretence of suspected criminality, are treated like out-laws; in return for which treatment, the greatest possible services are expected by their benevolent Christian countrymen.

Let Junius compare the inhuman usage that accompanies this suspension of the sailors birth-right, with the injuries any set of men, in this kingdom, have *ever* received, even from the *worst* of our rulers, and then try if he can acquit himself of the charge of inconsistency in his political doctrines.

It seems to be an insuperable argument against those who maintain the world to be benefited by refinements, that the most polished and refined part of mankind have always taken advantage of their superior knowledge to oppress the rest of their species; and we see in the present instance, that they avail themselves of the poverty and illiteracy of these people to rob them of their birth-right, so that the circumstances instead of exciting their natural effect, *compassion*, produce the same consequences among the *civilized* part of mankind, that actual criminality would do.

Fortunately for their posterity, our glorious ancestors have expressed the manly sense of their rights in so strong and clear a stile, that it cannot be *evaded* or *perverted* by the sophistry of a *prerogative* lawyer, much less can it be *invalidated* by the *capricious* voice of a crazy superannuated politician, or the more shallow assertions of a news-paper essayist.

It may, perhaps, appear superfluous to remind you, that I have waved the common privilege of disputants, by taking upon myself the proof of a negative, because there is so little merit in the concession, that the generality of readers will (in point of sagacity) hardly rank me above the level of one who should gravely undertake to prove that hunger was not an easy sensation, and that food was the natural means of removing it.

There

There is some praise, however, due to your consistency, since this doctrine suits well enough with that *pure spirit of patriotism*, which is so apt to blaze out upon the *loss of power*; but is always under such happy regulation as not to clash with some particular points, which are the *fine qua non* of all ministers: hence it is that *these gentlemen*, when they happen to be *driven* over to the popular side, *instead* of contending for a *reformation* of *those abuses* of the constitution, which are *the source* of all other evils, *viz.* the long duration of parliaments, and the *unbounded influence* of the crown by the admission of placemen, endeavour to *divert* the attention of the public *from* these grand objects, and by the most rancorous *incessant* personal slander, labour to fix their resentment on *their rivals* who are in power; these *renegade converts*, with the vision of their *future restoration* strongly impressed on their minds, and conscious of the part they mean to act, are

provident enough to anticipate the reproach of *apostacy*, by arguing with much hypocritical cant and solemnity, that it is less detrimental to the commonwealth to acquiesce with these essential grievances, than to hazard their redress, because they are under terrible concern, lest, from the depravity of human nature, some *new* species of corruption might possibly be introduced in its stead.

It was natural to imagine, that Junius would have become more cautious of offending in political points, after the *chastisement* he received some time ago from a certain *bifurcian*, who is not much famed for *her* lenity towards this sort of culprits ; but he quite loses his patience, and begins to grow desperate, so that if the ministry have not mercy enough to take him in, the poor letter-writer himself, in six months, may probably be dating an essay in *defence* of *personal liberty*, from his cage in St. George's Fields.

But

But to resume the consideration of my subject; as to the *legality* of this oppression, by far the greatest part of mankind rarely seem to trouble themselves with inquiries about it, but think it sufficient to alledge the plea of necessity in its justification: instead therefore of formally denying the force of a term, which is applied with such *unwarrantable* latitude, and by which all argument is *arbitrarily* superseded; I shall beg leave to state a case, that I flatter myself, will amply illustrate the point in question.

Suppose the inhabitants of an island, in order to relieve themselves from the oppression of a despotic government, should be under the necessity of expelling their *natural* prince, and that, *previous* to the election of a successor, they should find it expedient to *renew* the declaration of their rights; that the *true* spirit of the constitution might be *restored*, and the government *re-established*, upon the most equitable and solid principles.

Imagine

Imagine likewise, this nation to be composed of 70* different classes of people, and that in order to form an assembly for adjusting the regulations of their future government, each class was to depute a representative to take care of their respective interests.

Moreover, that in such a convention it should be proposed and agreed to by 69 out of these 70 classes, that their *new Monarch* should be vested with a *discretionary* power, to seize the persons of the remaining class and compel them to engage in the defence of the commonwealth, without any *adequate* stipulation in their favour, whenever he apprehended it to be necessary, and that this *particular class alone* should be *for ever* subject to this partial oppression.

* The comparative number of seamen to the whole inhabitants is computed to be about 1 part in 70, viz. 8 million and a half of inhabitants, whereof about 120,000 may be seafaring men.

It

It will be needless to recite the reasons alledged to prove the equity of such an ordinance, because it may be naturally supposed they will occur in the remonstrance their deputy would be prompted to make against it, which might perhaps be to the following effect.

“ The miseries we suffered under the oppressive administration of our late prince, “ amply justify us in taking *every* precaution “ to secure our liberty and property against “ that insatiable thirst of power, which prudence has been pleased to implant in “ human beings; and therefore the wise “ restrictions which you have *revived* to “ prevent a repetition of these evils under “ the prince we are about to *elect*, suffi- “ ently evince the prudence of your consti- “ tuents, in the choice of their representa- “ tives and claim their best acknowledg- “ ments.

I fin-

" I sincerely lament to find that an article
 " hath occurred in your resolutions,
 " which forbids me to join in the general
 " suffrage of applause, and lays me under
 " the *painful* necessity of standing forth
 " *singly* to remonstrate against a stipulation,
 " which so *partially* excludes us from the
 " *general* rights of the community.

" I am persuaded the candour of this assembly will pardon the freedom that must necessarily be used in discussing the arguments, that have been advanced in support of your opinion; which, although not wholly void of *plausibility*, are by no means calculated to produce that conviction, with which alone a *rational* being ought to acquiesce.

" You begin first by asserting the *natural* obligation all states are under of defending themselves against foreign injuries or attacks. You maintain, that it is essential

to

“ to the executive part of all governments, to
 “ have a *compulsive* power over the subject,
 “ in cases of danger to the commonwealth.

“ You next take notice, that from the
 “ circumstance of our insular situation, the
 “ national security must depend on the ex-
 “ ertion of our naval force; and then, after
 “ modestly stating *your own ignorance* of a
 “ science so *essential* to *your safety*, you with
 “ equal *justice* and *humanity* decide, that
 “ these circumstances constitute such a *rea-*
 “ *sonable* plea of necessity, as gives you an
 “ *equitable* right, to devote *our lives* to *your*
 “ *welfare*, upon *your own terms*.

“ Your first assertion admits of no con-
 “ troversy, being founded on one of the
 “ original principles, on which all societies
 “ were first instituted; and consequently,
 “ your second position taken in a *general*
 “ *sense* is true likewise; but accompanied
 “ with this *restriction*, that such a power is
 “ *not* to be extended to the *partial oppression*

" of any particular branch of the community,
 " or *exerted* but in cases of *extreme* danger
 " and *absolute* necessity ; that is to say, *after*
 " the most *equitable* and *prudent* *provisions*
 " against such an *emergency* *have proved*
 " *ineffectual*.

" Now it will not be difficult to shew,
 " that all our *former* *oppressions*, as well as
 " the present scheme of *intailing them on*
 " our profession, have taken their rise from
 " an *inadequate* and *inequitable* *interpretation*
 " of the term *necessity* ; in proof of which,
 " it will be requisite to take in several con-
 " siderations : and first, it is to be remem-
 " bered, that the *obligation* of defending the
 " state is grounded on the benefits, *indivi-*
 " *duals* are supposed to reap from their *union* ;
 " and of course the *measure* of this obliga-
 " tion is determined by the *proportion* of
 " advantage each member derives from this
 " union.

" Premising

“ Premising therefore our undoubted title
 “ to the *same* privileges and immunities
 “ with the rest of our fellow subjects, a cir-
 “ cumstance which, unluckily for us, you
 “ are apt to *lose sight of*, let us join issue
 “ upon this point.

“ On the one part, besides the hazardous
 “ nature of *our* occupation, the discipline
 “ and subordination, which are unavoidable
 “ on board a ship, gives *our* service a *tincture*
 “ of *slavery*, even in peaceable times, for
 “ which we are rewarded with *coarse* fare,
 “ *scanty* pay, and the humble satisfaction
 “ of reflecting how much we contribute to
 “ *your* greatness.

“ On the other hand, what a favourable
 “ *reverse* of circumstances attends your si-
 “ tuation: with the most *perfect* state of li-
 “ berty, you enjoy wealth, plenty, and lux-
 “ ury; you have the whole government of
 “ the state with the emoluments attending

" it ; and in short, are in full possession
 " of every blessing a flourishing country
 " can afford, without any *comparative* supe-
 " riority of merit to intitle you to this happy
 " distinction. If this be a true state of the
 " comparison between us (and that it is so
 " is *self evident*) it is not easy to conceive
 " with what ideas of *equity* you could frame
 " *such a proposal*; altho' there is no possibility
 " of doubting what *notion* you must entertain of
 " our intellects, in expecting us to acquiesce
 " with it.* Upon what pretensions can you
 " found this extraordinary claim to the dis-
 " posal of our lives and liberty? Is it a na-
 " tural appendage to the other *exclusive ad-*
 " *vantages* you enjoy? Or is it a preroga-
 " tive annexed to an opinion of the immense
 " *superiority* of your own consequence?

" Is there no *possibility* of suggesting a
 " *milder* and more *generous* alternative for
 " your preservation? Is it consistent, either

* Quæ enim est *conditio* societatis, in qua ei, cum
quo, societatem facias *nihil* *concedi* potest.

" with

“ with *wisdom* or *humanity*, to adopt so
 “ cruel a practice even to *slaves* without be-
 “ ing convinced, by *repeated experiments*, of
 “ the *inefficacy* of *all other* methods.

“ Have your sage lawyers and statesmen
 “ (*so dexterous upon other occasions*) exhaust-
 “ ed their invention in a *fruitless search*
 “ after some expedient, that should be more
 “ suitable to the lenity of our constitution,
 “ and the tenderness of the legislature in *all*
 “ *other* cases of personal liberty? And even
 “ if you *had complied* with all this, still let
 “ me ask *what motive* have *we* to prompt
 “ us to this service, unless we are so *prepos-*
 “ *terously* disinterested as to prefer your *wel-*
 “ *fare* to our own *personal safety*? Where
 “ can *we* be supposed to acquire such ge-
 “ *nerous* sentiments? Are we taught them
 “ from *your example*, in the *noble bounty* you
 “ offer for the greatest sacrifice, one human
 “ being can make for another? We are
 “ con-

" convinced from bitter experience, how
 " very cheap you hold our mental faculties,
 " but is it possible you should think them
 " depraved or dissipated to such a degree,
 " as to believe that we exist *merely* as the
 " creatures of *your* convenience, as if all re-
 " gard to *our own* well-being was to be ab-
 " forded by the *sole* consideration of your
 " ease and aggrandisement ? What a ridicu-
 " lous farce it is to talk to us of *our* king
 " and country, and happy constitution ; we
 " have nothing to *lose* or to *suffer* if your
 " enemies were to prove victorious ; nor have
 " we any thing in *prospect* by conquering
 " them, but to return to our old occupa-
 " tion. You savagely deprive us of our liber-
 " ty : property we have none : so that *we*
 " have no motive for preferring our own
 " king* to the king of France, or the Pre-

* That king must be a fool as well as a tyrant, who
 should expect from the *grossest* violation of his subjects
 rights, that they would become *such fools* as to sacrifice
 their lives in defence of his.

" tender ;

" tender; and our condition becomes infinitely worse than that of the poor ass in the fable, from the *consciousness* of being oppressed by *those* from whom we have the strongest claim of benevolence. In short, whether or not, we have any sensations of right or wrong, pleasure or misery, seems to be a matter of no concern to you, all *scruples* on those points being easily solved by the *necessity* we are under of submitting to superior force, that grand arbiter of all difficulties.

" Whatever may be the issue of your *solutions* on this subject, I am determined, at least, to shew, we are *not* blind to the injustice of your *arbitrary* proceedings, by *protesting* against the privilege you would arrogate to yourselves, of compelling us to *acquiesce* with an oppression, which with such partial cruelty excludes *us* from the common rights of your society.

" Do

“ Do you think it possible we should fail
 “ to remark, with how little remorse and
 “ generosity, you sacrifice us to your own
 “ measureless self-regard ?

“ Is it reasonable to exact such extraor-
 “ dinary instances of self-denial from us, when
 “ you are carried to such prodigious lengths
 “ by the opposite principle ?

“ How came you to assume the prerogative
 “ of allotting us, all the danger and hardship,
 “ and reserving all the blessings to yourselves ?
 “ Have we forfeited our birth-right ? Ubi
 “ lapsus ? Quid fecimus ?

“ Omitting the consideration of our extra-
 “ ordinary importance in time of war, it will
 “ be no vanity to assert, that (excepting
 “ those who are employed in agriculture)
 “ out of upwards of eight millions of inha-
 “ bitants, which our country is supposed to
 “ contain, you cannot select a number, equal

“ to

“ to ours, from whom the state derives so
“ much advantage.

“ What ideas must we entertain of your
“ kindness, your equity, or your generosity,
“ when we compare the *execrable* alternative
“ you offer us for the *most important* services,
“ with the wealth, the luxury, the ease, and
“ the indulgence you enjoy ; and which
“ you think yourselves amply intitled to,
“ without any personal hazard, and in many
“ cases, *without any exertion* of your talents,
“ to obtain them.

“ Do any of your numerous professions
“ serve the state upon such *disinterested* prin-
“ ciples ? Have you ordained, that the con-
“ tractors for victualling your fleets and fur-
“ nishing military stores, (instead of grow-
“ ing rich by their bargains) shall be obliged
“ to supply the government upon such terms
“ as the minister thinks fit to prescribe ?
“ Why should *every other* member of the

" community be at liberty to make his own
 " conditions when the state sollicits his ser-
 " vice ? Nay, are there not frequent in-
 " stances, of wretches among you, taking
 " advantages of the distress of their country,
 " to gratify the insatiable avarice* of their
 " dispositions ?

" Is it not most *insolent mockery*, to give
 " us the appellation of *fellow subjects* and
 " *free-born Englishmen*, under the circum-
 " stances of being *tenants at will* of our liberty

* It is said, that upon a late rumour of a war, a cer-
 tain little baronet took the opportunity, which an im-
 mense command of ready money gives, to monopolize
 all the hemp that could be purchased, with a view of re-
 tailing it to the government, at an exorbitant rate : this
 circumstance reminds one of what is related of the aban-
 doned behaviour of some hardened wretches, at the time
 the plague raged at Marseilles ; who, in the midst of that
 horrid distress, took the advantage of the helpless condition
 of their neighbours, to pilfer their goods while they lay
 on their death beds ! One cannot help remarking, on this
 occasion, how long it is, before *acquired wealth*, or new-
 bought titles, can eradicate those *mean* and *forbidding* ideas,
 which are so frequently to be met with in people of base
 minds, and a *groveling extraction*.

" and

“ and existence ; the tenure whereof is de-
 “ terminable by every *incident* that furnishes
 “ a minister with a *pretence* of being alarmed
 “ for the preservation of *your* property ?

“ As *free members* of the constitution, is
 “ it not reasonable we should be impressed
 “ with the *consciousness* of duty, in fighting
 “ the battles of the state ?

“ Is such unnatural treatment from our
 “ countrymen likely to produce the idea of
 “ such an *obligation* ? On the contrary, is it
 “ not *provocation* enough to make us regard
 “ you with the *utmost detestation* ?

“ With what conscience (if we were to
 “ reflect) could we take arms, for the de-
 “ struction of people who have never injured
 “ us, in defence of those who are our most
 “ *merciless oppressors* ?

“ We are wholly at a loss to conceive,
 “ from *what principles* of natural or political

" Law the obligation is deduced, by virtue
 " whereof you think we are *bound* to sacri-
 " fice our being in defence of a system,
 " from which we not only derive no benefit,
 " but where our *capacity* to perform the
 " greatest services to the state, instead of
 " being *rewarded*, is by the rest of the com-
 " munity converted into an argument for
 " the most savage oppression, that *they* may
 " enjoy an *uninterrupted* scene of felicity;
 " can you imagine we are so *stupid* and
 " *senseless* as to believe that your happiness
 " ought to be of more importance to us
 " than our own? the *unbounded selfishness* of
 " your own ideas, forbids your entertaining
 " such a notion,

" Have we a claim to a *rational solution*
 " of these objections? or are we to be
 " silenced by the term *necessity*, as if there
 " was a *magic* in the mere word, that de-
 " stroyed the force of all reasoning?

" We

“ We desire, at least, to have an *avowed*
 “ *written definition* of this term, that we
 “ may *understand* the *measure* of our sub-
 “ mission, and whether in *any* case we
 “ may *presume* to *resist* the *russians* you let
 “ loose against us.

“ You use so little *ceremony* in annihi-
 “ lating our privileges, that we shall with-
 “ out any *apology* take the freedom of
 “ scrutinizing somewhat more minutely into
 “ the *merits* of your title to that wealth that
 “ gives you the *presumption* to offer us so
 “ abject a proposal, as well as of the *means*
 “ you have employed to acquire it.

“ Your nobles and gentry are, for the
 “ most part, in possession of the landed
 “ estates, which, although *originally* ac-
 “ quired by a successful application to some
 “ profession, are devolved to the *present* race
 “ by inheritance.

“ Your

“ Your merchants and other traders owe
 “ their immense fortunes to traffic, or to
 “ the retailing of various commodities,

“ Multitudes beside, enjoy profuse salaries
 “ and perquisites in your numberless offices,
 “ although the business thereof goes on in
 “ such a common *place* track, that a school-
 “ boy of moderate talents would be quali-
 “ fied for it in a month's practice, while the
 “ upper departments, to which the greatest
 “ emoluments are annexed, become absolute
 “ sine-cures.

“ What an exorbitant share of wealth is
 “ drained from community by that *endless*
 “ tribe, the retainers to the law, whose
 “ venality in becoming the alternate advo-
 “ cates of justice and iniquity, tends to con-
 “ found all principles, and to render all
 “ things as precarious as their own litigious
 “ and sophistical altercations,

“ How

" How much is dedicated, to the support of the dignified part of your clergy, in the licentious neglect and contempt of the duties of their function; and while these ungracious pastors have hardly humanity enough to afford a bare subsistence to their needy brethren, for relieving them from the drudgery of their profession, they are consuming the *unhallowed surplus* of their income, in idle *dissipation*, or *hoarding* it in their uncharitable coffers *.

" Are not your cooks, jockies, players, pimps, agents, fiddlers, singers, dancing masters, and in short all your other

* Do not these reverend gentlemen by such shameless conduct plainly announce to the world, that *they themselves* esteem their whole religious system as a mere political establishment? Are they likely to gain much credit with their flock, when they in their annual visits are labouring to enforce a belief of the importance of a future existence; while they themselves are slighting and renouncing that doctrine, in their actions, by a total attention to the pleasures and emoluments of their present state?

" fessions.

" fessions amply rewarded and provided for ;
 " not to mention the sums that are annually
 " lavished among your *prostitute* senators, or
 " in pensions to your apostate patriots and
 " others, whom an *occasional* minister is
 " obliged to *buy* out, in order to obtain a
 " provision for some few of his own *unim-*
 " *portant* connexions.

" Such are the *respectable* characters of
 " this group, who *dictate* to us the *duty* of
 " sacrificing our beings, that they may not
 " be disturbed in the enjoyment of their
 " pleasure and their property.

" Such is the superior merit and impor-
 " tance of those, who sharing all the *emo-*
 " *lments* of the state *among* *themselves*,
 " with equal modesty, *generosity* and *equity*
 " offer us a premium of *forty* or *fifty* shil-
 " *lings* * to expose ourselves to be knocked
 " on

* I should be glad to ask certain gentlemen, how
 much their country has been benefited by their patriotic
 speeches

" on the head for the preservation all that
" is dear to them.

" Is it possible to lister, with any tolerable
" degree of patience, to the impertinence of
" those *purse-proud* wretches among you, who
" with a mixture of Ignorance and self-Im-
" portance, *presume* to talk of the necessity
" of this measure ? Can one forbear remon-
" strating to a wealthy shopkeeper on such
" an occasion to this effect ? Sir, you may,
" perhaps, have acquired ten thousand
" pounds by *your business*, without any ha-
" zard of your person, and may, probably,
" by the same means, increase it to ten
" times that sum ; you are in all points at
" perfect liberty to continue in your occu-
" pation or to quit, and no man *dare* violate
" the property you have *thus* accumulated ;
speeches for which they have been so handsomely re-
warded ? Or whether Mr. ——— thinks *himself* over-
paid by his palace and estate at ——— for the services
that he did to his fellow citizens here, by his *honourable*
connexions with that *worthy* French banker Mr. P——.

" now if you think yourself well intitled to
 " these large acquisitions for spending your
 " time be hind a counter, what overbearing
 " arrogance and selfishness must possess you,
 " to expect, that I, who am as free-born as
 " yourself, should devote my life and liberty
 " for so trifling a consideration, purely that
 " such wretches as you may enjoy your pos-
 " sessions in safety?

" What is your merit in retailing cloth,
 " or plumbs, or silk, compared with ours,
 " in defending our country at the perit of
 " our lives? If you were to perform the
 " same services, I should be glad to know
 " how much of the national wealth would
 " suffice to answer your ideas, if you hap-
 " pened to be your own paymasters?

" May not this remonstrance be applied
 " with equal justice to every other class that

" I have enumerated?
 " That

" That you are actuated by the strongest
 " *personal* motives I readily acknowledge,
 " because you are in possession of all that
 " can make life desirable, and therefore it
 " is not altogether unnatural that you should
 " endeavour to retain those blessings, espe-
 " cially if you can contrive to do it without
 " any trouble or hazard to yourselves, but
 " why will you not allow us to feel a
 " touch of your *condition*, in being operated
 " upon by self-love ?

" We are not *inconscious* of that equality
 " which the laws of the constitution intitle
 " us to, which make *personal* liberty at least
 " as sacred as *property*; and we are more-
 " over informed, that the writers on na-
 " tural and and political law, have pro-
 " nounced that no *single member* of a so-
 " ciety, much less a *large body*, can intirely
 " forego their own interest and well-being
 " *for ever*, in compliment to the rest of the

" community ; such renunciation being al-
 " most self-evidently void, as being incom-
 " patible with a rational existence.

" In expatiating thus largely on this sub-
 " ject, I hope to have made it appear tole-
 " rably plain, that your interpretation of
 " the term necessity may be *fairly* resolved
 " into two propositions (to which no rea-
 " sonable being can assent) *viz.* That it is
 " necessary *you* should live in a state of opu-
 " lence, luxury, &c. and that it is necessary,
 " *we* should dedicate our *whole* existence to
 " procure and preserve to *you* the *enjoyment*
 " of those blessings in *safety*.

" I have heard with no small contempt,
 " some trifling retainers to this opinion assert,
 " that it is *our* business to suggest an alter-
 " native, and that if *we cannot*, you have a
 " right to compel us to submit; which
 " mode of arguing appears just as rea-
 " sonable, as that a great man in the country,
 " should

" should have a *right* in *cold* weather to send
 " his domestics to *unthatch* his poor neig-
 " bour's cottage, for fuel to kindle *his* fires,
 " because the other was *not able to resist*, or
 " to *inform* them, where they might go and
 " get furze with *as little* trouble.

" There are others, however, who have
 " *candour* enough to argue from what they
 " esteem *parallel* cases; for instance, they
 " mention the circumstance of a gentleman,
 " who takes a hungry dog into his family,
 " where he is chained up in the day-time
 " and fed upon bare bones, and dry crusts,
 " and at night is let loose to defend the hen-
 " roosts, and to keep off thieves and house-
 " breakers. Now, say they, there is no dis-
 " putting the 'squire's right to order his ser-
 " vants to hang or knock the poor devil
 " on the head; to which argument I am not
 " much dispos'd to reply (although it must
 " be owned to be the fairest that has been
 " produced)

“ produced) partly because I do not readily
 “ comprehend the *aptness* of the similitude,
 “ and partly, because some persons may be
 “ inclined to think it *magnifies* our impor-
 “ tance too much.

“ When you plead your incapacity of de-
 “ fending yourselves from an *ignorance* of
 “ naval affairs, in the name of common
 “ sense, may we not justly retort *that* argu-
 “ ment, as the most shameful reproach of
 “ your negligence ?

“ If we are content to earn a *bare subsis-*
 “ *tance* by the practice of this profession,
 “ and have *nothing at stake*, how much more
 “ does it behove you, who are so *deeply in-*
 “ *terested*, to qualify yourselves to defend
 “ your own possessions ? You have every
 “ thing valuable to hazard, while we have
 “ nothing either in possession or reversion,
 “ to stimulate us to such desperate services.

“ If

" If you cannot spare hands from your
 " manufactoryes, retrench the train of your
 " supernumerary domestics ; reduce the un-
 " necessary numbers of those who are em-
 " ployed in your vairous offices ; let your
 " young men of rank and fortune (as in
 " Queen Elizabeth's time) apply themselves
 " to the study and practice of a science so
 " honourable in itself, and so essential to the
 " preservation of their possessions, they may
 " still have time enough to devote to hunt-
 " ing, racing, dancing, fencing, gambling,
 " dressing, and to their common debauche-
 " ries and amusements, ~~and in quarreling~~

" When you alledge, that by taking hands
 " from your manufactoryes to increase the
 " number of seamen, you *inbance* the na-
 " tional expence, and at the same time *lef-*
 " *sen* the fund for supporting it ; I deride
 " the *insolence* of your argument, as if we
 " were bound to undergo *all extremities*, *ra-*
 " *re*
 " ther

" ther than you should endure the least dimi-
 " nution of your wealth and grandeur. Be-
 " side, that this argument has not wanted
 " a refutation (upon your own Maxim)
 " from the consideration of the injury done
 " to trade, by the sudden detention of so ma-
 " ny vessels, after they are freighted; where-
 " by the merchant is liable to have his com-
 " modities greatly damaged, as well as
 " perhaps to lose his market for them; and
 " if this were not a sufficient answer,
 " suspend your argument until there ceases to
 " be a fund, from the scandalous want of
 " economy, in the whole detail of your in-
 " ternal policy, and from the enormous su-
 " perfluity of wealth, with which so many
 " among you abound.

" I shall now close what I had to ad-
 " vance on this subject, by offering it to your
 " serious consideration, whether it does not
 " become so great and opulent a nation, whose
 " welfare

" welfare and preservation depends so much
 " on a maritime force, to appropriate some
 " part of her vast revenues to the support of
 " such a *constant* number of seamen, as will
 " not expose her, upon every *alarm* of public
 " danger, to the *odious* and *unseemly* necessity
 " of violating the most sacred part of her
 " constitution, in the persons of those who
 " form one of the most *valuable* branches of
 " the commonwealth."

This is the substance of what may be supposed to have been delivered, by a man of plain sense, in supporting the rights of himself and his brethren, against the ungenerous hardships imposed on them by the rest of the community; wherein although there may appear to be somewhat of tautology and want of method, yet as the *arguments themselves* are too *just* to be *controled* or *refuted*, those imperfections may be easily passed over, especially in a seafaring man.

I

Upon

Upon the whole, no man can be weak enough to controvert the right that the executive part of government ought to have, of exercising such a power, in cases of *real* necessity : but I appeal to every candid, sensible man, whether it is not a *monstrous* reproach to the policy of a commercial and *free* country, whose inhabitants affect to extol with so much parade, the superior *excellence* of their *constitution*, not to *guard against* the necessity of such a *barbarous* practice, especially when there is so *obvious* an expedient * for *preventing* it ; nor indeed can such a necessity ever be said to exist, but when all *reasonable provisions*, that a wise government can substitute, *have failed*, and in *those* cases, a British sailor is so far from wanting extraordinary encouragement to incite him to his duty, that

* Can it be said, that (in the whole detail of government expence) an annual sum equivalent to what would be requisite for the remedy of this evil, (by increasing our constant naval establishment) is applied in *any other* instance with *equal* benefit to the commonwealth.

his *generous* alacrity is rather apt to carry him to works of supererrogation.

Notwithstanding the English value themselves so highly on their humanity and the *equity* of their government, it is justly observed by foreigners, that in *this instance* we are guilty of the most *absurd* and *cruel* tyranny towards the most meritorious branch of the community ; and that in thus *steeling* our hearts against the sufferings of our *defenders*, and by making our estimate of the public good, with an *exclusion* of all regard to *their* welfare, we renounce all obligations of humanity, and gratitude, as well as of their legal rights, although (as they justly remark) our senate is multiplying statutes without end, for regulating every *trivial* article of *accommodation* for the *rest* of the society.

In short, it is evident from the *brutal selfishness*, wherewith we sacrifice this deserving set of people to our own ease and advantage, that, with all the boasted good qualities of

Englishmen, no degree of cultivation can thoroughly eradicate the *natural savageness* of our disposition; nor can their need a stronger proof of this observation, than that the helpless poverty and ignorance of the sufferers, instead of exciting an attention to their *relief*, operates with us only as an inducement to aggravate and *confirm* their oppressions.

I am by no means contending against that unavoidable inequality of circumstance, which must necessarily happen in all societies, or that these people should become rich and great; that is *hardly* practicable, although I shall not allow it to be for want of *equal* pretensions with the rest of their neighbours: but however *contemptible* their *poverty* and *helpless* situation may render them in the estimation of *aspiring men*, I cannot help thinking it might become them, to mingle so much humanity with their ambitious pursuits, as to abolish this cruel expedient, and by the *libera-*

h~~er~~ity of their encouragement and a proper attention to their welfare, afford them some *rational* inducement to become the defenders of their country, which is more indebted to them than to all the peers, senators and ministers that ever existed.

Notwithstanding the *illiberal* and *evasive* shyness, with which some slavish advocates have *infonuated* their arbitrary opinions on this head; from the venal apprehensions (I suppose) of spoiling their prospect of preferment, by giving an opinion that might be offensive to the court and ministry *, I shall

* There is no instance hardly that can place the professors of the law in a more odious and contemptible light, than the *partiality* of their *equivocal* declarations on this measure, towards the *arbitrary* side of the question: it is hardly to be credited, that among so numerous a herd there should not be one (in so long a series of time) of any eminence, that has ever been *honest* and *disinterested* enough to stand forth as a champion in defence of the rights of these valuable but helpless people, against the *inhuman* oppressions of their fellow-subjects: at the same time, that when a *wealthy* commoner or a peer becomes their client, there is no chicane or sophistry they would

not

shall make no scruple to announce in the plainest terms, my sense of the rights of a free-born subject, by asserting, that if I were a common sailor, innocent and unaccused of any crime against my king and country, and any monarch of these realms (without any addition to the *present* prerogative of the crown, and with *no better* pretence of state necessity, than occurred when the *last* press warrants were issued) should hereafter think proper, so far to *violate* his coronation oath, as to make a *personal* attempt to deprive me, by violence, of my liberty; I should (under such circumstances) consider myself as *justified* by the *laws* of the land, in *resisting* not exert in defending a cause that was ever so clearly unjust or infamous.

I heartily wish that this censure from an obscure individual was likely to affect these gentlemen, enough to prompt them to a generous exertion of their talents for the redress of so plain and flagrant a breach of the constitution; nor could any thing give me greater pleasure, than to have an occasion to retract this reproach, although the circumstances were to be ever so humiliating.

him

him to the *utmost*, although I may think proper at the same time to add, that I should practice so much forbearance as to *wave* my privilege, rather than carry it to such extremity as to offer him any personal injury, if it were possible to be avoided.

I am not insensible of my own hazard, if this assertion were not *strictly* conformable to the laws of our constitution ; but in a firm reliance on my motto, I am perfectly easy on that point, leaving it to those adroit prerogative advocates, Lord Mansfield, with his Attorney and Solicitor-general, to make the most of it.

If the ministry should presume to censure me for licentious boldness, in making such a declaration of the subject's right, I have no other apology, than to place it to the account of their own audacity and *unprincipled* conduct, in taking the advantage of the easy dispo-

disposition of their royal master, to lead him into such errors.

I cannot however, but take notice, that those who attempt to exculpate their prince, upon the plea of his *ignorance* in so sacred a point, and in a case where it is so *perfectly clear*, pay him but a poor compliment in their defence; neither is it possible, hardly, to suppose, that a king, even with the most *slender* abilities, who has such an *excess* of *piety* as to entertain an *implacable* enmity to *certain* persons for the *immorality* of their characters, can be *ignorant* of that of *his own ministers* since the *same* channel is open for information with regard to one as the other, and the *obligations* as to the *latter* much more interesting.

How then can a subject with the *most partial* predilection in favour of a prince, reconcile to the *sincerity* of his professions, the
choice

choice of the most *profligate*, and *abandoned* wretch, in his dominions, to *preside* in one of the most consequential departments of his ministry. It were to be wished, for the honour of the present reign, that this hoary debauchee, might have gone to his own place without a *rival* in iniquity; and indeed it could hardly have been otherwise, if his *young colleague* in office had not lately started up to *dispute* the palm of *infamy* with him.

Being wholly unconnected with any party, either in or out of administration, I cannot be supposed, to have written this from any motive of *personal* spleen; nor have I the smallest apprehension, that any thing here said, is likely to give *offence* to either of *these* gentlemen, who are so much the *counterparts* of the celebrated Marquis of Wharton, of whom Swift says, “ He was without the sense of shame or glory, as some men are without the sense of smelling,

“ and therefore a good name to him is
 “ no more than a precious ointment would
 “ be to these.”

There is no man entertains more *respectable* sentiments, of the *amiable qualities* of his majesty's heart, than myself; but as they are *liable* to be much *imposed* on, I cannot conclude this digression better, than by a quotation from an *ingenious* author, who wrote under an *arbitrary* government, which is *extremely applicable* to a British king, in the choice of his *ministers*.

“ In England, it is very common to
 “ charge the faults of the prince to the
 “ ministers, and I own that very often,
 “ the charge is just; but the crimes of
 “ the ministers do not *always* excuse the
 “ faults of the sovereign; for after all,
 “ princes have *reason* and *understanding*
 “ as

" as well as other people, and are masters
 " to do as *they please* : if they let them-
 " selves be too much governed by those
 " who have the *freest* access to them, it
 " is *their* fault ; they ought on several oc-
 " casions, to *see* with *their own* eyes, and
 " not be *led by the nose* by a *vicious* and
 " *interested* courtier ; but if they are *inca-*
 " *pable* to manage matters themselves, and
 " to *distinguish* good from evil, they ought
 " to *resign* the care of government to others
 " that are *capable* ; for I do not know,
 " why we may not apply to princes, who
 " govern ill, the saying of Charles Borro-
 " meus, in respect to bishops, who do not
 " take care to feed their flock properly ;
 " If they are *incapable* of such employ-
 " ment, why so *much* ambition ? If they
 " are *capable*, why so *much* neglect ? "

How must it excite the indignation of
 a liberal mind, to behold the rights and

privileges of *more* than one hundred thousand of the bravest, most useful, and most disinterested subjects the world ever produced, *trampled upon*, by an *itinerant state-quack*, * who not content with the tolerable subsistence, he had earned by *bacchus* speech-making, in a neighbouring country, wanders over hither, and upon the strength of a little success, in selling what he did *not* possess, *erects himself* into a first-rate politician, and with most *solemn impudence*, presumes to *give sentence*, against the most sacred part of our constitutional establishment. Does he think that a whole nation, are to be infatuated by a few *tin-sel* phrases, as if *all* our understandings were to be estimated from that of a *few silly* women.

Not that it is to be inferred, from the *derision* of this man's *affected* importance, that we are at all more disposed, to ac-

* Junius.

quiesce

quiesce with the *frantic* decisions of a brainsick, fractious old peer, who has changed his principles (as they are called) much oftener than he has paid his debts; or that we should subscribe to the more artful chicane of a court lawyer, the *pu-*
llanimity of whose *heart* seems kindly intended by Providence, as a *check* to the *mischievous* qualities of his head *.

I shall now take leave of you and my subject, with a little hint of advice, which is, that your friends are very anxious, that you should *retire* to our *sister* nation, and bestow the remainder of your time, in *emulating* the virtues of her *late* *defunct* patriot, as they are under strong apprehensions, that you are *exhausting* all your topics of abuse, with *no other* prospect, than that of sharing the same fate with your *prototype* Mr. Wilkes: but if they cannot prevail so far as this, they wish at

* L. C. and L. M. who with so much insolence, asserted the right of pressing in the House of Lords.

least, that you would leave off, that impertinent, empty jargon, about impeachments, and pledging yourself to your country; since people who are *only* acquainted with the place of your *nativity*, are at a loss to comprehend your meaning; while those who are rightly informed as to your political views, and the pliant philanthropy of your temper, have already anticipated the *honourable* figure, you are likely to exhibit, some time or other, at the *levees* of those, who at present, are the greatest objects of your *reprobation*; provided they have *weakness* or *placability* enough, in their dispositions, to listen to the *private* intimations, whereby you *meanly* attempt to exculpate yourself, from the odium of your *rancorous* productions, in the repetition of which, you have gone so far *beyond* Mr. Wilkes, that the nation cannot fail to observe, how much you have *benefited* by his example in *passing* over

Lord

Lord Bute so lightly, from which circumstance, it manifestly appears, how much safer it is to abuse the sovereign than his favourite.

F I N I S.

the following is a sketch of the land
and timber resources of the state
thereof and sketch of the general
character of the country.

Lord Bute so lightly, from which circumstance, it manifestly appears, how much safer it is to abuse the sovereign than his favourite.

POSTSCRIPT
TO THE

K I N G.

SIR,

THE decent respect which policy has wisely established towards the *office* of a chief magistrate, hath been carried to such an excess of *personal* servility and adulation, by the dependents on a court, that the bulk of mankind, whom state and ceremony keeps at a distance, are almost persuaded, that their Rulers are of a superior species of existence; not recollecting or observing, that the Idol which they have set up, is subject to as many imperfections as themselves; and that his *natural* frailties and bad qualities are rather *cultivated* than *corrected* by ~~the~~ education he ~~can~~ pick up from the lessons of his servile tutors or a stupid page, most of his time being chiefly engrossed by

by the latter, who generally happens to be a *supernumerary footman* of some nobleman about the court: but as your Majesty has experienceed the inconvenience of this in your own case, we may reasonably hope you will take care to guard against it, in the tuition of your own progeny.

I thought it necessary to premise this observation, in order to obviate that undistinguishing censure, that is generally bestowed on private persons, when they venture to give their sentiments on the conduct of their governors, who would gladly have it taken for granted, that an exclusive knowledge is annexed to their office; although if that were the case, there is some reason to wonder, that power should have changed hands so frequently, since your Majesty's accession.

Having said thus much by way of introduction to my subject, I shall proceed to inform you, that this address, is in behalf of the body of common sailors, who, besides the general claim of their birth-right, are as well intitled, from *particular* merit and utility, to

your protection, as any other branch of the community.

I shall not adopt the stile of a venal faction by railing at your minister, because there seems to be little probability of the nation being benefited by a change; but will endeavour to illustrate my argument, by an instance, which is greatly to the discredit of the *last* reign, thereby *conforming*, in some degree, to the *decent* practice of your courtiers, who were early taught by the precept and example of your favourite, that they could not possibly render themselves more acceptable to their *new* monarch, than by *reviling* the memory of his predecessor.

To place this subject in the strongest point of view, it will be necessary to recite an article of the Coronation Oath, together with the declaration of the people's rights, to which that oath *chiefly* refers.

The bishop at the coronation says, "Will you solemnly promise and swear, to govern the people of England and the dominions thereunto belonging, according to

" to the *statutes* in parliament agreed on;
 " and the *laws* and customs of the
 " same *King*."

The King says, " I solemnly promise so
 " to do."

Magna Charta, which has been frequent-
 ly confirmed by subsequent *statutes*, says,
 " No freeman shall be *taken* or *imprisoned*,
 " or *disseised* of his *freehold* or of his li-
 " berties, or *free customs*, or be *outlawed*
 " or *banished*, or *otherwise destroyed*, nor
 " shall the King pass upon, or *commit him*
 " to *prison*, unless by the *lawful judgment*
 " of his *peers*, or by the *law of the land*."

Now the Warrants for *impressing* men,
 which were granted by authority of the *late*
 King's commission, by which a parcel of
 armed *ruffians* were let loose, to exercise a
 discretionary violence in the seizure of his
 innocent subjects, with various other circum-
 stances of cruelty, were a *notorious violation*
 of the above oath.

Nor will this gross *perjury* admit of any
 palliation from the *plea* of *ignorance* or *stu-*
pidity.

pidity, unless we were to conceive it so *superlatively* great, that he could not have distinguished the person of the Pretender from himself. Much less can it be defended from the more usual plea of necessity, because, it was in his *own option* to decide whether any such necessity should exist; since he could not but be *conscious*, that upon his signifying to parliament, that he was resolved to *abhere* strictly to his *oath*, they would have found themselves *obliged* to do *their duty*, by making some *constitutional* provision against this inhuman practice.

Now, although like conclusions must follow from like premises, I think it prudent to declare that what I have here alledged of your Royal Grandfather, is wholly *inapplicable* to any thing, that has happened during your reign; but is merely intended as a *timely warning* to your Majesty, not to suffer yourself to be reduced to a *similar* situation, on any *future* emergency.

Perhaps it may not be amiss to add, that if this had been written at that period, it would only have *aggravated* the criminality of

of his breach of oath, if he had been of so ignoble a disposition, as to have attempted to revenge himself on any subject, who had honesty and fortitude enough to reproach him for his *injustice* and *falsehood*; nor could mankind have failed to remark, that it was infinitely more scandalous and unbecoming, for a prince to *perjure* himself, than for a subject to remonstrate against his conduct, in such a case.

There can never be a more favourable juncture for the redress of this evil; the nation is in a state of tranquility with regard to foreign powers, and as the parliament is now sitting, a message from your Majesty to the effect I have just mentioned, must *unavoidably* lay *them* under the *necessity* of *finding* a remedy.

It may not be altogether unprofitable to remind you, that the meanest subject holds the claim of his birth-right by, *at least*, as *sacred* a tenure as you do your crown, and that the sole end for which your family were introduced, was for the more *effectual*

pre-

preservation of those rights, which are not to be trampled upon, under the *tyrannic* pretence, of a *nominal* necessity.

Moreover, remember, Sir, that the plea of a necessity, which a man *may prevent* whenever he *chuses*, cannot *acquit* him of the *imputation* that follows from the *breach* of his *oath*; and that the *unbounded generosity*, which You and Your's have experienced from this nation, infinitely *transcend* all the good you can possibly do in return. I am, with the profoundest respect, both to Yourself, and the high office You bear,

Your most loyal subject,

The Sailors' Advocate.



1800